

1 Jan P. Weir (SBN 106652)  
2 [jweir@mrllp.com](mailto:jweir@mrllp.com)  
3 Kathrine J. Brandt (SBN 262740)  
4 [kbrandt@mrllp.com](mailto:kbrandt@mrllp.com)  
5 **MICHELMAN & ROBINSON, LLP**  
6 17901 Von Karman Avenue, Suite 1000  
Irvine, CA 92614  
Telephone: (714) 557-7990  
Facsimile: (714) 557-7991

JS-6

Attorneys for Plaintiff  
SPITZ TECHNOLOGIES CORPORATION

**UNITED STATES DISTRICT COURT**

**CENTRAL DISTRICT OF CALIFORNIA – SOUTHERN DIVISION**

12 SPITZ TECHNOLOGIES  
13 CORPORATION,

14 Plaintiff,

16 NOBEL BIOCARE USA, LLC, a  
17 Delaware limited liability company,

18 || Defendant.

Case No.: 8:17-cv-00660-JVS-JCG

Honorable James V. Selna  
Magistrate Judge Jay C. Gandhi

## JUDGMENT

Date: N.A.  
Time: N.A.  
Courtroom: 10C

Complaint Filed: 4/11/2017  
Discovery Cut-Off: 2/16/2018  
Pre-Trial Conference: 7/19/2018  
Trial: 7/24/2018

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#### **AND RELATED COUNTERCLAIMS.**

1 Having considered the Motion for Summary Judgment of Defendant Nobel  
2 Biocare USA, LLC (Dkt. No. 114), and all the papers filed in support thereof, and  
3 all papers in opposition thereto filed by Plaintiff, and the oral argument of counsel  
4 at the February 26, 2018 hearing on the motion, IT IS HEREBY ORDERED  
5 THAT Defendant Nobel Biocare USA, LLC's Motion for Summary Judgment is  
6 GRANTED in its entirety in accordance with the opinion issued by the Court on  
7 March 2, 2018 (Dkt. Nos. 168, 169).

8 **IT HEREBY ADJUDGED THAT**

9 Final judgment is entered in favor of Nobel Biocare USA, LLC, and against  
10 Spitz Technologies Corporation, on all claims asserted by Spitz Technologies  
11 Corporation and on Nobel Biocare USA LLC's first counterclaim for non-  
12 infringement.

13 None of the NobelActive® implants accused of infringement infringe,  
14 literally or under the doctrine of equivalents, directly or indirectly, any claim of  
15 U.S. Patent No. 7,008,227.

16 All claims asserted by Plaintiff Spitz Technologies Corporation are  
17 DISMISSED WITH PREJUDICE.

18 Nobel Biocare USA, LLC's second counterclaim for invalidity of U.S.  
19 Patent No. 7,008,227 is DISMISSED WITHOUT PREJUDICE.

20 Nobel Biocare USA, LLC is the prevailing party in this action.

21 As ordered on the record at the hearing on February 26, 2018, Nobel Biocare  
22 USA, LLC may bring a motion for attorneys' fees within fourteen (14) days of  
23 entry of this judgment. The Court will consider the motion in phases. The parties  
24 shall first brief the issue of Nobel Biocare USA LLC's entitlement to attorneys'  
25 fees. Should the Court determine that an award of fees to Nobel Biocare USA,  
26 LLC is appropriate, the parties shall then submit briefing on the amount of such  
27 fees ("second phase").

In the event that the Court determines that there is a basis to award fees, the Court will order Nobel Biocare USA LLC to produce promptly all invoices relating to any attorney fees it seeks from STC or STC's counsel, which invoices may be redacted to preserve privilege. The Court will confer with the parties with regard to the timing of production and briefing schedule for any second phase.

## 6 || IT IS SO ORDERED.

9 || Dated: March 20, 2018

Honorable James V. Selna  
United States District Judge